

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 22-81810-CV-MIDDLEBROOKS

GARFIELD SPENCE,

Plaintiff,

v.

NATIONAL RETAIL PROPERTIES,

Defendant.

ORDER CLOSING CASE

THIS CAUSE comes before the Court upon Plaintiffs' Notice of Voluntary Dismissal with prejudice filed on December 19, 2022. (DE 10). Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, Plaintiff may voluntarily dismiss a claim by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. *See* Fed. R. Civ. P. 41(a)(1)(A)(i). Defendant has served neither filing. Accordingly, it is hereby

ORDERED AND ADJUDGED that **DISMISSED WITH PREJUDICE**. The Clerk of Court shall **CLOSE THIS CASE**. All pending motions are **DENIED AS MOOT**.

SIGNED in Chambers in West Palm Beach, Florida, this 22 day of December, 2022.



DONALD M. MIDDLEBROOKS
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of Record